REMARKS

Claims 1-16 are all the claims pending in the application. By this amendment, claim 16 is amended. In view of the foregoing amendments and following remarks, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

Applicant thanks the Examiner for the indication of allowable subject matter in claims 5-9 and 13-15. However, applicant declines to rewrite the allowable claims in independent form at this time, pending further reconsideration of the rejections in the outstanding Office Action.
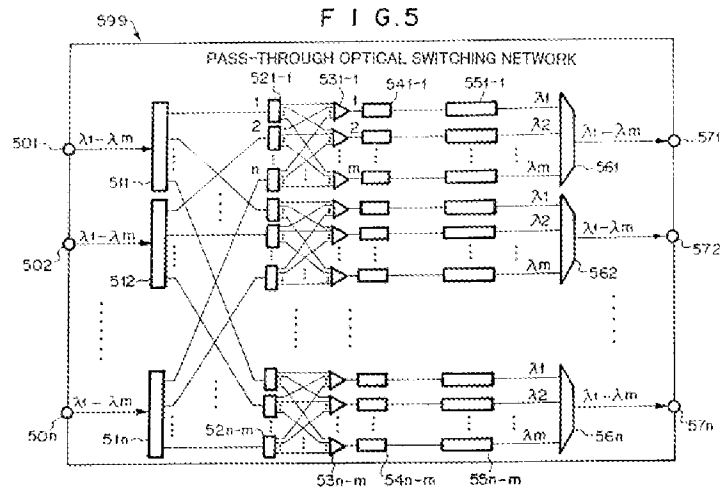
I.   Claim 16 is in proper condition

Claim 16 stands rejected under 35 U.S.C. § 112, 2nd paragraph due to alleged indefiniteness. The foregoing amendment of claim 16 is believed to overcome this rejection. More specifically, the Examiner's asserted discrepancy has been eliminated from the claim language, so that the original language of claim 16 is proper. Accordingly, applicant respectfully requests withdrawal of the rejection of claim 16, and allowance thereof.

II.   Claims 14, 10 and 11 are not anticipated

Claims 1-4 and 10-11 stand rejected under 35 USC 102(b) due to alleged anticipation by Shiragaki et al. (USP 6115517). The Examiner has maintained his position with respect to the claimed relationship between P, C and m. However, applicant maintains that the Examiner has mischaracterized P, C and m, and therefore, the structure recited in claim 1 is not disclosed or suggested in Shiragaki.

For convenience, applicant has reproduced FIG. 5 of Shiragaki below.

F I G. 5

Applicant respectfully submits that the Examiner has improperly undercounted the number of space switching modules C in Shiragaki. The result of this miscounting is that Shiragaki is improperly applied to claim 1 disclosing the recited relationship between P, C and m, such that Shiragaki does not disclose that C is less than P. Applicant respectfully submits that a proper counting of C would show that in Shiragaki, the value of P is actually equal to the value of C. Applicant respectfully submits that Shiragaki discloses that the output ports are represented by 571...57n, such that there are n output ports.

The source of the dispute between the Examiner and applicants with respect to C is directed to the Examiner's characterization of C in Shiragaki as including multiple elements 521, 531, based on the number of wavelength converters 561. In turn, this characterization is based on the characterization of a broadcast stage is being limited by the Examiner such that 511...51n is the broadcast stage. Applicant respectfully submits that the multiple elements 521, 531 cannot be properly characterized as outputs C because multi wavelength filters are not outputs.

Further, if the number of space switching modules is not at most C, then P/C as claimed cannot be present in Shiragaki. If P/C as claimed is not present, then Shiragaki fails to disclose each and every feature recited in claim 1.

Thus, applicant respectfully submits that a broadcast stage comprising at most N signal dividers (A_i) each having one input and C outputs **where C is an integer factor of P less than P**, as recited in claim 1, is not disclosed or suggested in Shiragaki.

Further, if the structure recited in claim 1 is not the same as that of Shiragaki, then the Examiner's inherency argument with respect to the **packet switching function and the circuit switching function** recited in claim 1 also falls. For this additional reason, applicant respectfully submits that claim 1 is not anticipated by Shiragaki.

Applicant also respectfully maintains that Shiragaki fails to disclose or even suggest that the space cross-connect unit is adapted to provide broadcasting of input signals **independently of spectral considerations**, as recited in independent claim 1.

As previously explained, Shiragaki requires wavelength selectors 531-1…53m-n, as described at col. 11 lines 8-10 and lines 43-50 and shown in figure 5. If these wavelength selectors are required in Shiragaki, then applicant respectfully submits that the input signals cannot be broadcast **independently of spectral considerations**, as required by claim 1. Applicant respectfully requests further clarification of how broadcast can be performed independently of spectral considerations if a wavelength selector is required in Shiragaki.

Thus, applicant respectfully requests withdrawal of the rejections and allowance of claim 1, as well as claims 2-4 and 10-11, by virtue of their dependence from independent claim 1.

III.   Claim 12 would not have been obvious

Claim 12 stands rejected under 35 USC 103 due to alleged obviousness based on Shiragaki et al. (USP 6115517). Applicant respectfully submits that claim 12 is allowable by virtue of its dependency from independent claim 1, which is believed to be allowable for at least the reasons discussed above. Therefore, applicant respectfully requests withdrawal of the rejection of claim 12, and allowance thereof.

IV.   **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

_/Mainak H. Mehta/_____

SUGHRUE MION, PLLC   Mainak H. Mehta
Telephone: (202) 293-7060   Registration No. 46,924
Facsimile: (202) 293-7860

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